

RECEIVED  
CENTRAL FAX CENTER

OCT 17 2006 PATENT

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office at 517/273 8300 on the date shown below:

October 17, 2006  
Date

  
Linda Murphy West

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bernard R. Brodeur et al.  
Application No. : 09/684,883  
Filed : October 6, 2000  
For : PROTEINASE K RESISTANT SURFACE PROTEIN OF  
NEISSERIA MENINGITIDIS

Examiner : Albert Mark Navarro  
Art Unit : 1645  
Docket No. : 484112.417C1  
Date : October 17, 2006

Filing Receipt Corrections  
Office of Initial Patent Examination  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents:

Attached is a copy of the official Corrected Filing Receipt received from the PTO in the above-identified application, for which issuance of a second corrected Filing Receipt is respectfully requested.

The Corrected Filing Receipt has two errors with respect to the following data, which is incorrectly omitted. First, the following three inventors should be added as Applicants:

Denis Martin, St-Augustin-de-Des-Maures;  
Josee Hamel, Sillery, Canada; and  
Clement Rioux, Ville-de-Cap-Rouge, Canada.

Second, the PCT/CA96/00157 application filed March 15, 1996, also claims the benefit of U.S. Patent Application No. 08/406,362, filed March 17, 1995. The corrections to be made have been marked on the attached copy of the Corrected Filing Receipt. Also attached is a copy of the Declaration filed with the PTO on November 13, 1997 executed by all four named inventors and showing the priority claim.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC

*Mae Joanne Rosok*

Mae Joanne Rosok  
Registration No. 48,903

MJR:lw

Attachments:

Copy of Corrected Filing Receipt

Copy of Declaration and Power of Attorney

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

848996\_1.DOC

BEST AVAILABLE COPY

RECEIVED  
CENTRAL FAX CENTER

Page 1 of 3

OCT 17 2006

SABE



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/684,883	10/06/2000	1645	710	047998/0197	16	79	6

Foley & Lardner  
Washington Harbour  
3000 K Street N W  
Suite 500  
Washington, DC 20007-5109

## CORRECTED FILING RECEIPT



\*OC000000005652695\*

Date Mailed: 01/04/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Bernard R. Brodeur, Sillery, CANADA;

Denis Martin, St-Augustin-de-  
Des Mauves, Canada;  
Josée Hamel, Sillery, Canada;  
Clement Rioux, Ville-de-Cap-  
Rouge, Canada

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CON OF 08/913,362 11/13/1997  
WHICH IS A 371 OF PCT/CA96/00157 03/15/1998  
AND CLAIMS BENEFIT OF 60/001,983 08/04/1995  
and 08/406,362 filed 3/17/1995

## Foreign Applications

If Required, Foreign Filing License Granted 12/14/2000

## Title

Proteinase k resistant surface protein of neisseria meningitidis

## Preliminary Class

435

Data entry by : NEWTON, WILLIAM

Team : OIPE

Date: 01/04/2001



file://C:\APPS\PreExam\correspondence\1\_A.xml

1/3/01

BEST AVAILABLE COPY

Page 2 of 3

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**RECEIVED  
CENTRAL FAX CENTER**

**OCT 17 2006****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

file://C:\APPS\PreExam\correspondence\1\_A.xml

1/3/01

REST AVAILABLE COPY

10/17/01 FAX 13:44 FAX 013 010 1004

DIVERSUS COMPANY, INC.

OCT 17 2006

Docket No. 047998/0128

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROTEINASE K RESISTANT SURFACE PROTEIN OF NEISSERIA MENINGITIDIS**

the specification of which is attached hereto unless the following box is checked:

☒ was filed on March 15, 1996 as United States Application Number or PCT International Application Number PCT/CA96/00157 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 35, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below.

APPLICATION NO.	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 35, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
<u>08/406,362</u>	<u>March 17, 1995</u>	<u>Pending</u>
<u>60/001,983</u>	<u>August 4, 1995</u>	<u>Pending</u>

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and to conduct all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 28,257; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Patricia D. Granados, Reg. No. 33,683; John P. Harrison, Reg. No. 33,713; Donald D. Jeffery, Reg. No. 19,980; Eugene M. Lee, Reg. No. 32,039; Richard Linn, Reg. No. 25,144; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; George E. Oulfin, Reg. No. 32,792; Colin I. Sauderscock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,390; Richard L. Schwab, Reg. No. 21,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

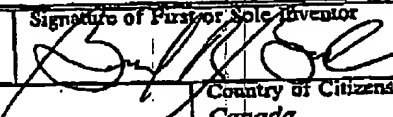
Address all correspondence to **FOLBY & LARDNER**, 3000 K Street, N.W., Suite 300, P.O. Box 25696, Washington, D.C. 20007-8696.  
Address telephone communications to Stephen A. Bent at (202) 673-5300.

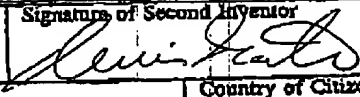
BEST AVAILABLE COPY


PAGE 2

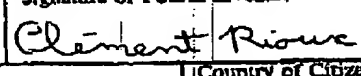
Docket No. Q47928/0128

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor <b>Bernard R. BRODEUR</b>	Signature of First or Sole Inventor 	Date <b>7 Oct 97</b>
Residence Address <b>Sillery, Canada</b>	Country of Citizenship <b>Canada</b>	
Post Office Address <b>2401 Maritain Street, Sillery, Quebec G1T 1N6, Canada</b>		

Full Name of Second Inventor <b>Denis MARTIN</b>	Signature of Second Inventor 	Date <b>7 Oct 97</b>
Residence Address <b>St-Augustin-de-Des Maures, Canada</b>	Country of Citizenship <b>Canada</b>	
Post Office Address <b>4728-G Gaboury Street, St-Augustin-de-Des Maures, Quebec G3A 1E9, Canada</b>		

Full Name of Third Inventor <b>Josee HAMEL</b>	Signature of Third Inventor 	Date <b>7 Oct 97</b>
Residence Address <b>Sillery, Canada</b>	Country of Citizenship <b>Canada</b>	
Post Office Address <b>2401 Maritain Street, Sillery, Quebec G1T 1N6, Canada</b>		

Full Name of Fourth Inventor <b>Clement RIOUX</b>	Signature of Fourth Inventor 	Date <b>7 Oct 97</b>
Residence Address <b>Ville-de-Cap-Rouge, Canada</b>	Country of Citizenship <b>Canada</b>	
Post Office Address <b>1012 Jean Charles Cantin, Ville-de-Cap-Rouge, Quebec G1Y 2X1, Canada</b>		

BEST AVAILABLE COPY

RECEIVED  
CENTRAL FAX CENTER

OCT 17 2006

SeedIP

October 17, 2006

## Facsimile Transmission

Mae Joanne Rosok  
Telephone: (206) 622 4900  
maer@SeedIP.com

Seed Intellectual Property Law Group PLLC

To: Filing Receipt Corrections

Fax No.: 571/ 273 8300

Phone No.:

U.S. Application No. 09/684,883  
Re: Filed October 6, 2000

Your Ref.:

Seed IP Ref.: 484112.417C1

No. of Pages: 7 (including this page)

address 701 Fifth Avenue  
Suite 5400  
Seattle, WA 98104  
telephone 206.622.4900  
facsimile 206.682.6031  
website SeedIP.comIf you do not receive all pages, please call Linda West at (206) 622-4900 or fax our office.☐ Urgent☐ For Review☒ Please Confirm  
Receipt☐ Please Reply  
ASAP

## Comments:

Request for Corrected Filing Receipt

849116\_1.DOC

## Transmission Information:

Date:

Time:

By:

## CONFIDENTIALITY NOTICE:

The information contained in this facsimile message is legally privileged and/or confidential information intended only for the use of the addressee named above. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this facsimile or its content is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile message to us by mail or destroy it without making a copy. Thank you.

BEST AVAILABLE COPY